



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor

Suzanne Lee Chan, Vice Mayor

Anu Natarajan

Bill Harrison

Dominic Dutra

### City Staff

Fred Diaz, City Manager

Harvey E. Levine, City Attorney

Mark Danaj, Assistant City Manager

Dawn G. Abrahamson, City Clerk

Robert Beyer, Interim Community Dev. Director

Harriet Commons, Finance Director

Marilyn Crane, Information Technology Svcs. Dir.

Annabell Holland, Community Services Director

Norm Hughes, City Engineer

Bruce Martin, Fire Chief

Jim Pierson, Public Works Director

Jeff Schwob, Planning Director

Suzanne Shenfil, Human Services Director

Craig Steckler, Chief of Police

Brian Stott, Human Resources Director

Lori Taylor, Economic Development Director

Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**MAY 3, 2011**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances  
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Special Meeting of January 11, 2011*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code by Dissolving the Environmental Services Advisory Commission and Deleting the Provisions of the Fremont Municipal Code Related Thereto*

*RECOMMENDATION: Adopt ordinance.*

- 2.4 *UNION CITY WITHDRAWAL FROM THE SOUTHERN ALAMEDA COUNTY GEOGRAPHIC INFORMATION SYSTEM AUTHORITY (SACGISA)  
Authorize the City's Board Member to Approve Union City's Withdrawal from the SACGISA effective February 8, 2011 and Authorize the City Manager to Execute an Amendment to the Joint Powers Agreement (JPA) Modifying the Cost Allocations for the Remaining SACGISA Members and to Take Any Other Implementing Actions*

*Contact Person:*

<i>Name:</i>	<i>Christine K. Frost</i>	<i>Marilyn J. Crane</i>
<i>Title:</i>	<i>GIS Manager/SACGISA Secretary</i>	<i>Director</i>
<i>Dept.:</i>	<i>Information Technology Services</i>	<i>Information Technology Services</i>
<i>Phone:</i>	<i>510-494-4830</i>	<i>510-494-4802</i>
<i>E-Mail:</i>	<i>cfrost@fremont.gov</i>	<i>mcrane@fremont.gov</i>

*RECOMMENDATION: Authorize the City's representative on the SACGISA Board of Directors to approve an agreement permitting Union City's withdrawal from the Southern Alameda County Geographic Information System Authority effective February 8, 2011, and authorize the City Manager to execute an amendment to the JPA modifying the cost allocations for the remaining SACGISA members and to take any other implementing actions.*

**2.5 COOPERATIVE AGREEMENT WITH THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) REGARDING THE IMPLEMENTATION OF THE AGUA FRIA, TOROGES AND AGUA CALIENTE CREEK IMPROVEMENTS PROJECT**

*Approval of a Cost Sharing Agreement with VTA for Creek Improvement Work Associated with the Warren Avenue Grade Separation Project and the Silicon Valley Berryessa BART Extension Project*

*Contact Person:*

<i>Name:</i>	<i>Jim Pierson</i>
<i>Title:</i>	<i>Director</i>
<i>Dept.:</i>	<i>Public Works</i>
<i>Phone:</i>	<i>510-494-4752</i>
<i>E-Mail:</i>	<i>jpierson@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or his designee to execute the Cooperative Agreement between the Santa Clara Valley Transportation Authority and the City of Fremont regarding implementation of the Agua Fria, Toroges, and Agua Caliente Creek Improvements Project to provide for the Agua Fria Creek Improvements as required for the Warren Avenue Grade Separation Project and further authorize the City Manager or his designee to enter into any future amendments to this Agreement as long as they do not increase the City's cost share amount.*

**2.6 CONTRACT WITH ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY**  
*Approval of New Two-year Contract with Alameda County Health Care Services Agency for School-site Mental Health and Case Management Services*

*Contact Person:*

<i>Name:</i>	<i>Iris Preece</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>YFS Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2128</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>ipreece@fremont.gov</i>	<i>sshenfil@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or designee to execute a two-year contract totaling \$360,000 with Alameda County Health Care Services to implement Our Kids Our Families, expanded mental health and case management services at Fremont school sites. The second year of the contract shall be subject to adoption of the FY 2011/12 budget.*

**2.7 2011 ASPHALT OVERLAY PROJECT CONTRACT AWARD**

*Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the 2011 Asphalt Overlay, City Project No. 8234-L (PWC)*

*Contact Person:*

<i>Name:</i>	<i>Craig Covert</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Public Works</i>	<i>Public Works</i>
<i>Phone:</i>	<i>510- 494-4785</i>	<i>510-474-4748</i>
<i>E-Mail:</i>	<i>ccovert@fremont.gov</i>	<i>nhughes@fremont.gov</i>

*RECOMMENDATIONS:*

- 1. Approve the plans and specifications for 2011 Asphalt Overlay, City Project No. 8234-L (PWC).*
- 2. Accept the bid and award the construction contract for 2011 Asphalt Overlay, 8234-L (PWC) to the lowest responsible bidder, Granite Construction Company, in the amount of \$3,671,039.02 and authorize the City Manager to execute the contract.*

**2.8 ACCEPTANCE OF FY 2011/12 FEDERAL SHP FUNDING FOR HOPE PROJECT**

*Adopt a Resolution Accepting FY 2010/11 Federal Supportive Housing Program (SHP) Renewal Funding for the Homeless Outreach for People Empowerment (HOPE) Project and Authorizing the City Manager to Execute an Agreement with HUD*

*Contact Person:*

<i>Name:</i>	<i>Lucia Hughes</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>CDBG Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2043</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>lhughes@fremont.gov</i>	<i>sshensfil@fremont.gov</i>

*RECOMMENDATION: Adopt a resolution accepting FY 2011/12 Federal SHP funding in the amount of \$269,790 and authorizing the City Manager or designee to execute an agreement with the Department of Housing and Urban Development in the amount of \$269,790.*

**2.9 FRONT-IN ANGLE PARKING– CAPITOL AVENUE**

*Consider the Adoption of an Ordinance to Establish Angle Parking along Capitol Avenue*

*Contact Person:*

<i>Name:</i>	<i>Wayne Morris</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Senior Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4729</i>	<i>510-494-4443</i>
<i>E-Mail:</i>	<i>wmorris@fremont.gov</i>	<i>jschwob@fremont.gov</i>

*RECOMMENDATION:*

- 1. Find that the adoption of the ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15301 which exempts existing facilities.*
- 2. Allow the ordinance establishing the Back-in Angle Parking Pilot Program on Capitol Avenue to expire on May 27, 2011.*
- 3. Waive full reading and introduce an ordinance to allow angle parking along Capitol Avenue.*

**2.10 ADOPTION OF A RESOLUTION APPROVING REVISIONS TO THE CITY  
POLICE DEPARTMENT RETENTION SCHEDULE**

*Adoption of a Resolution Approving Revisions to the Police Department  
Retention Schedule*

*Contact Person:*

<i>Name:</i>	<i>Dawn G. Abrahamson</i>	<i>Mark Danaj</i>
<i>Title:</i>	<i>City Clerk</i>	<i>Assistant City Manager</i>
<i>Dept.:</i>	<i>City Clerk</i>	<i>City Manager</i>
<i>Phone:</i>	<i>510-284-4063</i>	<i>510-284-4005</i>
<i>E-Mail:</i>	<i>dabrahamson@fremont.gov</i>	<i>mdanaj@fremont.gov</i>

*RECOMMENDATION: Adopt a Resolution approving revisions to the Police Department retention schedule, and granting approval for the destruction of records in accordance with the Retention Schedule, subject to the review and consent of the City Attorney.*

**3. CEREMONIAL ITEMS**

- 3.1 Proclamation: Affordable Housing Month**

**4. PUBLIC COMMUNICATIONS**

- 4.1 Oral and Written Communications**

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – The Public Financing Authority Board will convene at this time and take action on the agenda items listed on the Public Financing Authority Agenda. [See separate agenda](#) (lilac paper).

## CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

### 5. SCHEDULED ITEMS

#### 5.1 FY 2011/12 CDBG FUNDING RECOMMENDATION AND FY 2011/12 ACTION PLAN

Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Funds for FY 2011/12, Adoption of a Resolution Approving the FY 2011/12 Action Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees

##### Contact Person:

Name:	Lucia Hughes	Suzanne Shenfil
Title:	CDBG Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2043	510-574-2051
E-Mail:	lhughes@fremont.gov	sshenfil@fremont.gov

##### RECOMMENDATION:

1. Hold a public hearing on the proposed FY 2011/12 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds and the FY 2011/12 CDBG Action Plan.
2. Adopt a resolution:
  - Approving, and authorizing the City Manager or designee to submit, the FY 2011/12 CDBG Final Statement of Community Development Objectives and Projected Use of Funds and the FY 2011/12 CDBG Action Plan.
  - Allocating FY 2011/12 CDBG funds in the amount stated herein, contingent upon adoption of the FY 2011/12 Budget by the City Council.
  - Authorizing the City Manager or designee to execute a CDBG funding agreement with HUD as described in this staff report.
  - Authorizing the City Manager or designee to execute agreements, effective July 1, 2011, with the agencies recommended for funding in the amounts set

forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments, and contingent upon the adoption of the FY 2011/12 Budget by the City Council.

**6. REPORT FROM CITY ATTORNEY**

6.1 Report Out from Closed Session of Any Final Action

**7. OTHER BUSINESS – None.**

**8. COUNCIL COMMUNICATIONS**

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointment of Pat Helton to the Senior Citizens Commission

8.2 Oral Reports on Meetings and Events

8.2.1 Report Out on City Delegation Visit to UP Headquarters

**9. ADJOURNMENT**





REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING

MAY 3, 2011



**\*2.3 Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code by Dissolving the Environmental Services Advisory Commission and Deleting the Provisions of the Fremont Municipal Code Related Thereto**

**ENCLOSURE:** [Draft Ordinance](#)

**RECOMMENDATION:** Adopt ordinance.

**\*2.4 UNION CITY WITHDRAWAL FROM THE SOUTHERN ALAMEDA COUNTY GEOGRAPHIC INFORMATION SYSTEM AUTHORITY (SACGISA)**  
**Authorize the City's Board Member to Approve Union City's Withdrawal from the SACGISA effective February 8, 2011 and Authorize the City Manager to Execute an Amendment to the Joint Powers Agreement (JPA) Modifying the Cost Allocations for the Remaining SACGISA Members and to Take Any Other Implementing Actions**

**Contact Person:**

Name:	Christine K. Frost	Marilyn J. Crane
Title:	GIS Manager/SACGISA Secretary	Director
Dept.:	Information Technology Services	Information Technology Services
Phone:	510-494-4830	510-494-4802
E-Mail:	cfrost@fremont.gov	mcrane@fremont.gov

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**Executive Summary:** The Southern Alameda County Geographic Information System Authority (SACGISA) is a joint powers authority established by a Joint Powers Agreement (JPA) in 2000. The SACGISA is comprised of five members: the cities of Fremont, Newark, and Union City; Alameda County Water District (ACWD); and Union Sanitary District (USD). SACGISA was formed to share the cost, development, and maintenance of GIS data and applications that serve the tri-cities and utility districts. By letter dated February 8, 2010, Union City submitted a request to withdraw from the SACGISA effective February 8, 2011. The purpose of this report is to request Council to authorize the City's representative on the SACGISA Board of Directors to approve an agreement permitting Union City's withdrawal from the SACGISA effective February 8, 2011, and to authorize the City Manager to execute an amendment to the Joint Powers Agreement (JPA) modifying the cost allocations for the remaining SACGISA members and to take any other implementing actions.

**BACKGROUND:** The SACGISA was established by a JPA entered into as of April 27, 2000, to replace the previous Memorandum of Understanding (MOU) between Fremont, ACWD, and USD and to allow the inclusion of Newark and Union City. The agencies recognized that it was cost- and time-effective for them to share the development of GIS data and applications that served the multiple agencies. The SACGISA is governed by a Board of Directors consisting of an elected official from each agency and meets once a year in May. The SACGISA Secretary received a letter dated February 8, 2010 from the City of Union City requesting to withdraw from SACGISA effective February 8, 2011. At the annual Board meeting held on May 19, 2010, Union City's request was discussed and the SACGISA Board directed staff to draft an agreement outlining the terms of withdrawal.

**DISCUSSION/ANALYSIS:** Each member agency of the SACGISA has the option to withdraw on one year's prior written notice to the Authority and if it enters into an agreement with the Authority permitting the member to withdraw. Union City submitted a request to withdraw from the SACGISA by a letter dated February 8, 2010. On May 19, 2010, the SACGISA Board directed staff to draft a withdrawal agreement, which needs to be approved by each legislative body of the remaining members and by the SACGISA Board itself. The SACGISA Board will meet on May 18, 2011 to take action based on each of the remaining member's legislative body's direction regarding Union City's withdrawal request.

Union City and the remaining members have reached an agreement on the terms of withdrawal. The terms include agreeing that Union City will be considered withdrawn from the JPA effective February 8, 2011, and will no longer have representation on the SACGISA Board or have access to the GIS applications or shared data as of that date. The withdrawal agreement states that Union City's financial obligation will be adjusted for the Fiscal Year 2010/11 expenses. Union City has paid in full for any costs and will have no further financial commitment to SACGISA as of the date that the withdrawal agreement is signed. The withdrawal agreement also states that Union City is still bound by restrictions on the sale and disposition of the GIS data as described in the JPA.

An amendment to the JPA is needed to reapportion the costs of the SACGISA among the four remaining members and requires formal action of each legislative body of the members. The amendment modifies the cost allocations in accordance with the terms and conditions in the JPA. Union City's share of costs averaged less than \$10,000 per year and will be distributed among the remaining four members.

**FISCAL IMPACT:** Fremont's share is approximately 25 percent and will be absorbed within the existing Information Technology Services Department operating budget. The exact amount is dependent upon actual costs incurred by the SACGISA in any given year.

**ENVIRONMENTAL REVIEW:** Not Applicable.

**ENCLOSURE:** None.

**RECOMMENDATION:** Authorize the City's representative on the SACGISA Board of Directors to approve an agreement permitting Union City's withdrawal from the Southern Alameda County Geographic Information System Authority effective February 8, 2011, and authorize the City Manager to execute an amendment to the JPA modifying the cost allocations for the remaining SACGISA members and to take any other implementing actions.

**\*2.5 COOPERATIVE AGREEMENT WITH THE SANTA CLARA VALLEY  
TRANSPORTATION AUTHORITY (VTA) REGARDING THE IMPLEMENTATION  
OF THE AGUA FRIA, TOROGES AND AGUA CALIENTE CREEK  
IMPROVEMENTS PROJECT**

**Approval of a Cost Sharing Agreement with VTA for Creek Improvement Work  
Associated with the Warren Avenue Grade Separation Project and the Silicon Valley  
Berryessa BART Extension Project**

**Contact Person:**

Name: Jim Pierson  
Title: Director  
Dept.: Public Works  
Phone: 510-494-4752  
E-Mail: jpierson@fremont.gov

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**Executive Summary:** This agenda item requests the City Council authorize the City Manager or his designee to execute an agreement with the Santa Clara Valley Transportation Authority (VTA) to share in the costs of the creek improvement work required for the Warren Grade Separation Project (WGS) and the Silicon Valley Berryessa BART Extension (SVBX). The City will be funding 67.4 percent of the relocation of Agua Fria Creek. The creek relocation is required to construct the Warren Grade Separation. The City's share of the costs was based on the local funding each party is contributing to the Warren Grade Separation Project as established in the Highway Railroad Crossing Safety Account Project Baseline Agreement executed by the City and VTA in December 2010. The City is not sharing in the costs for improving Toroges and Agua Caliente Creeks. These creek improvements accommodate the SVBX Project and will be funded by VTA.

Aqua Fria Creek construction was originally part of the Warren Avenue Grade Separation construction contract. However, VTA determined it would be more cost effective and improve the construction schedule for the Warren Avenue Grade Separation if the creek work was constructed separately and combined with adjacent creek improvements that VTA needs for the SVBX. The cost sharing agreement authorizes the City to contribute up to \$2.53 million for the relocation of Agua Fria Creek. The City's funding was previously appropriated by Council as part of the Warren Avenue Grade Separation Project.

**BACKGROUND:** Construction of the WGS Project will begin in 2012 and be completed in 2014. In order to minimize the risk for delays to the WGS associated with the scheduling of work on relocating Agua Fria Creek, VTA is advancing this work as part of the package of other creek improvements needed for the SVBX Project. The creek improvement project bid will be awarded on May 5, 2011, and work on Agua Fria Creek will commence this summer and be completed by June 2012.

**DISCUSSION/ANALYSIS:** Permitting agencies only allow creek work to be done from April 15 to October 15. Therefore, scheduling of the work can negatively affect the larger project that the creek work will accommodate. VTA has concluded that the relocation of Agua Fria Creek, which is required for the WGS project, and the improvements of Agua Caliente and Toroges Creeks, which are required for the SVBX project, should be advanced so the work does not affect the schedule of the larger project.

Bids have been received for the creek improvements and VTA is scheduled to award the bid at its May 5, 2011 Board meeting.

The City will only be contributing funding toward the construction of the Aqua Fria improvements. There are no grant funds available for this early construction project; all grant funds will be utilized on the main Warren Grade Separation construction contract. Therefore, the City's 67.4 percent share of the costs of Aqua Fria relocation work is based on the ratio of local funds being contributed for the WGS Project as established in the WGS Project Baseline Agreement executed by the City and VTA in December 2010. The City's maximum contribution is \$2.53 million. This amount reflects the City's share of the Aqua Fria component of the low bid that VTA will be recommending for award, plus a 10% contingency for construction change orders, plus the City's share of VTA's construction and project management costs. The \$2.53 million will be advanced to VTA and deposited in an interest earning account. VTA will provide monthly reports documenting and justifying the drawdown of the advanced funds. Any unused funds will be returned to the City upon completion of the project.

VTA will be responsible for overseeing the construction of all aspects of the Aqua Fria Creek relocation. VTA or its contractor will be responsible for obtaining an encroachment permit from the City and will reimburse the City for its costs associated with administering the permit. The City will be responsible for maintaining certain aspects of the completed project. The City's maintenance responsibilities, which include curb, gutter, sidewalk and other street improvements, will be approximately the same as its current responsibilities.

**FISCAL IMPACT:** Funds to cover the City's share of the Agua Fria Creek relocation have previously been appropriated by the City Council in PWC 8074, the Mission/Warren/Truck Rail (MWT) Program.

**ENVIRONMENTAL REVIEW:** The Warren Avenue Grade Separation project, of which this is a part, is statutorily exempt from review under the California Environmental Quality Act pursuant to Public Resources Code Section 21080.13 because it will remove an existing at-grade crossing. A notice of exemption for the project was previously filed by the City with the Alameda County Clerk. VTA has received both the NEPA and CEQA environmental approvals for the SVBX Project.

**ENCLOSURE:** None.

**RECOMMENDATION:** Authorize the City Manager or his designee to execute the Cooperative Agreement between the Santa Clara Valley Transportation Authority and the City of Fremont regarding implementation of the Agua Fria, Toroges, and Agua Caliente Creek Improvements Project to provide for the Agua Fria Creek Improvements as required for the Warren Avenue Grade Separation Project and further authorize the City Manager or his designee to enter into any future amendments to this Agreement as long as they do not increase the City's cost share amount.

**\*2.6 CONTRACT WITH ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY**  
**Approval of New Two-year Contract with Alameda County Health Care Services Agency**  
**for School-site Mental Health and Case Management Services**

**Contact Person:**

Name:	Iris Preece	Suzanne Shenfil
Title:	YFS Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2128	510-574-2051
E-Mail:	ipreece@fremont.gov	sshenfil@fremont.gov

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**Executive Summary:** The purpose of this report is to recommend that the City Council authorize the City Manager to execute a two-year contract for a maximum of \$360,000 in Fiscal Years 2010/11 and 2011/12 between the City and Alameda County Health Care Services Agency (ACHCSA). The purpose of the contract is for the Human Services Department to continue the demonstration project called “Our Kids Our Families” that increases school-site health services by offering integrated mental health and family case management services. The demonstration project will focus on the Kennedy High School attendance area. Specific schools that will receive services include Kennedy High School and Robertson Continuation School, Walters Junior High School, and Azevada, Blacow, Brier, Mattos, and Millard Elementary Schools.

**BACKGROUND:** The Alameda County Board of Supervisors has allocated Tobacco Master Settlement Funds and one-time only funding to support planning and start-up of new school-site health services in each County Supervisor’s District because national research shows improved access to health services at school sites measurably improves school success and reduces at-risk behaviors that lead to delinquency and other social problems. In Fremont, the City, Fremont Unified School District (FUSD) and the County have formed the Fremont School Health Initiative. In 2009/10, based on local needs assessments, the partners began a four-year demonstration project, “Our Kids Our Families,” to increase mental health services for students at school and increased case management for families as two priority health service needs.

**DISCUSSION/ANALYSIS:** The program model builds on the City of Fremont’s Youth and Family Services’ Healthy Choices Program, which utilizes volunteer clinical interns to provide mental health services to students at Fremont school sites; and the Family Resource Center’s Family Support Program, which utilizes a multi-disciplinary team to provide support to families in crisis and assure successful outcomes through effective service integration.

In 2009/10, with start-up funding from the County, the Human Services Department hired temporary staff, a licensed counselor and a case manager to work at schools in the Kennedy High School attendance area during the school year. These staff served as team leaders for counseling and social work interns working at the school sites. They also helped assure effective service coordination by working with the school principals to form multi-disciplinary teams at each school, serving on the multi-disciplinary teams, coordinating cases assigned to the interns working at the school sites, and providing direct services to students and families. In the first year, Our Kids Our Families successfully developed new service coordination teams at three new schools, provided 3,138 counseling sessions to 270



students, and had 247 case manager contacts with 54 families. The data from the evaluation showed statistically significant improvement in several mental health indicators.

In FY 2010/11, the service coordination teams are fully functioning at the four schools and two new schools are setting up multidisciplinary service coordination teams. In addition to the staff, there are YFS counseling interns working in all of the schools, and the FRC recruited two social work interns who are supporting family engagement. The principals are positive about Our Kids Our Families. At an April 2010 joint meeting, the principals pointed out that students and families with the most needs are getting help, schools are learning to recognize and address student mental health issues, and that the service coordination teams are addressing the whole child. They find the growing collaboration is having a positive impact on school culture. Also in year two, program staff are systematically checking health insurance to assure recovery of all possible reimbursement through Medi-Cal. Assuming the project proves to be successful and sustainable within the Kennedy High School attendance area schools, the program has the potential to gradually expand throughout the district.

**FISCAL IMPACT:** ACHCSA is proposing a two-year contract totaling \$360,000, including \$175,000 in FY 2010/11 and \$185,000 in FY 2011/12. The costs of this demonstration project, including overhead costs, will be completely covered by the ACHCSA funding and anticipated revenue from two Medi-Cal sources currently utilized by the Human Services Department: Targeted Case Management (TCM) and Early Periodic Screening Diagnosis and Treatment (EPSDT) funding.

In anticipation of this funding, \$175,000 in ACHCSA funding was appropriated as part of the FY 2010/11 Adopted Budget approved by the City Council. The FY 2011/12 contract amount of \$185,000 will be submitted for Council appropriation as part of the FY 2011/12 budget adoption process.

**ENVIRONMENTAL REVIEW:** None.

**ENCLOSURE:** None.

**RECOMMENDATION:** Authorize the City Manager or designee to execute a two-year contract totaling \$360,000 with Alameda County Health Care Services to implement Our Kids Our Families, expanded mental health and case management services at Fremont school sites. The second year of the contract shall be subject to adoption of the FY 2011/12 budget.

**\*2.7 2011 ASPHALT OVERLAY PROJECT CONTRACT AWARD**

**Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the 2011 Asphalt Overlay, City Project No. 8234-L (PWC)**

**Contact Person:**

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**Executive Summary:** The purpose of this report is to recommend that City Council approve the plans and specifications for the 2011 Asphalt Overlay, City Project No. 8234-L (PWC), accept the bid and award the contract for construction to Granite Construction Company in the amount of \$3,671,039.02.

**BACKGROUND:** Last year, the City of Fremont responded to a call for projects and submitted an application to the Metropolitan Transportation Commission (MTC) for funding from the federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) program for funding in the amount of \$3,138,000. This amount was previously appropriated by the City Council, at the September 28, 2010 meeting, to the 2011 Asphalt Overlay Project, City Project No. 8234-L (PWC).

The City's share of the STP/CMAQ funding based on the Local Streets and Road allocation formula was determined to be \$2,941,000. In addition, the Alameda County Transportation Commission (Alameda CTC) asked the City to execute a fund exchange agreement which will provide the City with additional federal STP/CMAQ funds in the amount of \$197,000 in exchange for \$177,300 in local funds (90% of \$197,000). The City is in the process of finalizing the fund exchange agreement with Alameda CTC and staff will return to Council at a later date for approval of this exchange agreement. The funding amount of \$3,138,000 reflects the fund exchange agreement.

The City's required local match for this federal funding is 11.47% of \$3,138,000 or \$359,928.60. Staff recommends that this match be funded through the Citywide Asphalt Overlay Project fund balance. There are sufficient funds in the project fund balance for this local match.

**Pavement Management Program:** The City's Engineering and Street Maintenance divisions jointly operate a pavement management system (PMS) that tracks street surface conditions and recommends annual resurfacing and rehabilitation actions for cost-effective maintenance of the City's streets.

The 2011 Asphalt Overlay, City Project No. 8234-L (PWC), will rehabilitate a total of four (4) City street sections totaling approximately 2.0 centerline miles and containing 89,000 square yards of pavement surface. Below are the locations for this project:

No.	Name of Street	Begin Location	End Location
1	Mission Boulevard (N/B)	S. Grimmer Boulevard	Durham Road
2	Mission Boulevard	Durham Road	Pine Street
3	Paseo Padre Parkway	Stevenson Boulevard	Walnut Avenue
4	Paseo Padre Parkway	Walnut Avenue	Mowry Avenue

Staff retained the services of Nichols Consulting Engineers (Nichols) to perform testing on the existing pavement sections and to determine the appropriate rehabilitation strategies necessary to obtain a 20-year useful pavement life. The consultants' recommendation was to grind existing pavement and overlay the streets with 2 to 4 inches of conventional hot mix asphalt and/or rubberized hot mix asphalt. In addition, at localized areas where it is apparent the pavement base material has failed, areas of pavement will be removed and replaced with up to 14 inches of hot mix asphalt.

**Rubberized Hot Mix Asphalt:** As in previous years, rubberized hot mix asphalt (RHMA) will be used as the final wearing surface on the streets in this year's overlay project as recommended by Nichols. RHMA has a long history of successful application on city streets and state highways throughout California. The advantages of RHMA over conventional hot mix asphalt are well documented and include a quieter riding surface and a greater resistance to reflective cracking. This ensures the pavement will last longer and require less maintenance over the life of the pavement, thereby reducing the total life-cycle cost. In addition, RHMA reduces the stockpiling of waste tires and the number of waste tires that enter landfills for disposal by, instead, recycling and grinding the tires into crumb rubber granules and mixing them with asphalt cement and aggregate. A typical two-inch rubberized hot mix asphalt resurfacing project uses over 2,000 waste tires per lane mile. This project will divert approximately 25,000 tires from entering California landfills.

**Rubberized Asphalt Concrete Grant:** On November 4, 2008, the City Council adopted a resolution authorizing staff submittal of applications to the California Environmental Agency's Integrated Waste Management Board (CIWMB) for its Rubberized Asphalt Concrete Incentive Grant Program. In November 2008, staff applied for a Targeted Rubberized Asphalt Concrete (RAC) grant in the amount of \$194,080. On May 19, 2009, the CIWMB awarded the grant in said amount, with the stipulation that the funds be used for overlay projects that can be completed by April 1, 2012. As the grant is based on the tonnage of rubberized asphalt overlay used on a project, and \$145,000 of the grant will be applied to the 2010 overlay project, the remaining grant amount, \$49,080, will be applied to the 2011 Overlay project within the required deadline from CIWMB.

**Traffic Control:** Due to the size, scope and number of streets included in this project, staff anticipates that residents and the traveling public will experience some inconvenience during construction. Individual traffic lanes will be closed to traffic in order to facilitate paving operations. To mitigate the impact of traffic delays on the public, the contractor must provide definitive traffic control plans. City staff will review all traffic control plans prior to construction and monitor traffic control work during construction to ensure all possible effort is made to minimize the impact to the public. Advance construction message signs informing the public of the upcoming roadway construction will be posted before each work zone a minimum of 7 days prior to the anticipated construction. The signs will advise the public of possible delays due to construction and list the anticipated dates of work specific for each street. In addition, each affected business or residence will receive a flyer describing the project and

required parking restrictions at least two weeks before work begins in their area. Follow-up notices will again be distributed no later than two days prior to the start of construction.

During construction, electronic changeable message boards as well as temporary construction signs will be positioned in advance of the construction work zone at major cross streets alerting the public of the roadwork ahead and potential delays.

**Concrete Construction:** The project will remove and replace several sections of concrete curb and gutter that have been damaged by the roots of adjacent trees, and upgrade or construct new intersection curb ramps and island passageways conforming to the guidelines of the federal Americans with Disabilities Act (ADA) and State accessibility requirements. The project will also construct new concrete bus pads conforming to the latest City standards within the project limits. The concrete bus pads will eliminate the pavement deterioration due to the heavy loads imposed by the stopping and starting of buses at the bus stops. In order to provide a uniform edge to which to pave, repair of all concrete curb and gutter sections and construction of all curb ramps and bus pads will need to be completed prior to the start of paving activities.

The 2011 Overlay Project will upgrade existing curb ramps and traffic island passageways to ADA standards. The project will construct 43 new curb ramps and 12 new bus pads within the project limits.

#### **DISCUSSION:**

**Bid Results:** Bids were received on April 13, 2011 for the 2011 Asphalt Overlay, City Project No. 8234-L (PWC). The project's total bid is for four (4) street segments. Bids were received, as follows:

<b><u>BIDDER</u></b>	<b><u>TOTAL BID</u></b>
Granite Construction Company	\$3,671,039.02
Gallagher & Burk, Inc.	\$3,696,757.00
Ghilotti Construction Company, Inc.	\$3,777,773.25
Pavex Construction	*\$3,814,083.00
O'Grady Paving, Inc.	*\$3,933,332.90
Bay Cities Paving & Grading, Inc.	\$3,938,549.43
Interstate Grading & Paving, Inc.	\$3,999,268.25
Engineer's Estimate	\$ 4,000,000.00
*Mathematically corrected bid	

The low monetary bidder, Granite Construction Company, is experienced in this type of project and is a responsible contractor.

**PROJECT COSTS:** The following is a summary of total estimated costs for construction:

Staff – Design/Design Administration (2,400 hours)	\$	340,000
Construction Cost	\$	3,671,039
(Includes \$360,000 in contingency)		
Staff - Construction Mgt. & Inspection (3,500 hours)	\$	460,000
Materials Testing Consultant	\$	120,000
<b>Total Estimated Construction Costs</b>	\$	<b>4,591,039</b>

**FUNDING:** Funding available for the project is as follows:

Fund 131 State Gas Tax 2107, PWC 8234	\$	109,870
Fund 132 State Gas Tax 2106, PWC 8234	\$	110,645
Fund 135 State Gas Tax 2103, PWC 8234	\$	997,215
Fund 142 State Gas Tax 2105, PWC 8234	\$	89,328
Fund 501 Capital Improvements, PWC 8234	\$	405,758
Fund 508 ACTIA Measure B (Local Streets & Roads), PWC 8234	\$	73,969
Fund 522 STP/CMAQ Federal Grant, PWC 8234	\$	3,138,000
Fund 525 CIWMB RHMA Grant, PWC 8234	\$	49,080
Fund 527 Proposition 1B, PWC 8234	\$	80,875
<b>Total Estimated Available Funding</b>	\$	<b>5,054,740</b>

Based on the contract amounts and project cost estimates, there are sufficient funds budgeted for this project.

**ENVIRONMENTAL:** This project is categorically exempt under Section 15301 (c) of the Guidelines for the California Environmental Quality Act. Staff has filed the notice with the Alameda County Recorder's Office.

**ENCLOSURE:** None.

**RECOMMENDATIONS:**

1. Approve the plans and specifications for 2011 Asphalt Overlay, City Project No. 8234-L (PWC).
2. Accept the bid and award the construction contract for 2011 Asphalt Overlay, 8234-L (PWC) to the lowest responsible bidder, Granite Construction Company, in the amount of \$3,671,039.02 and authorize the City Manager to execute the contract.

**\*2.8 ACCEPTANCE OF FY 2011/12 FEDERAL SHP FUNDING FOR HOPE PROJECT  
Adopt a Resolution Accepting FY 2010/11 Federal Supportive Housing Program (SHP)  
Renewal Funding for the Homeless Outreach for People Empowerment (HOPE) Project  
and Authorizing the City Manager to Execute an Agreement with HUD**

**Contact Person:**

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**Executive Summary:** The purpose of this report is to request the City Council's approval to accept \$269,790 in FY 2011/12 Federal Supportive Housing Program (SHP) renewal funding to continue to implement the Homeless Outreach for People Empowerment (HOPE) Project. Staff also recommends that the City Council authorize the City Manager to execute an agreement with the Department of Housing and Urban Development.

**BACKGROUND:** Since July 1, 1999, the U.S. Department of Housing and Urban Development (HUD) has awarded annual SHP funding for the HOPE Project. SHP funding for supportive services is awarded through a competitive process and has been reduced substantially in recent years. The HOPE project was again selected for continued funding this year because of its excellent track record in meeting the needs of South and East County's homeless population.

The HOPE Project is a collaborative partnership that provides services to homeless people in the Tri-City area and East County from a state-of-the-art mobile clinic. The City is the lead agency and fiscal sponsor for the project. Services are provided by Tri-City Health Center and Abode Services. Alameda County Behavioral Health Care Services (ACBHCS) provides match funding of \$16,780 to the project.

**DISCUSSION/ANALYSIS:** The HOPE Team provides services to approximately 850 homeless or near homeless families and individuals in the Tri-Cities and East County each year. The HOPE project targets the homeless person or family who is living on the streets and is in need of accessible comprehensive services, including health checks, mental health treatment, detoxification/substance abuse treatment, and case management to ensure access to housing and other available services.

A multi-disciplinary team consisting of a Project Service Coordinator, a Nurse Practitioner, two Mental Health Outreach Workers, and an Outreach Intake Worker provide integrated services for homeless persons needing assistance. To increase effectiveness, the interdisciplinary team is mobile, traveling in a state-of-the-art mobile clinic to locations where homeless persons congregate, including meal and food distribution sites such as the Irvington Free Breakfast Program and the Centerville Free Dining Program. The team also visits specific locations when calls are received from law or code enforcement personnel or local businesses, and motels where homeless families are staying. South and East County homeless providers have adopted this mobile approach to providing services because the homeless in South and East County are dispersed and have difficulty accessing services in centralized locations. The City of Fremont, through the Human Services Department, plays a coordinating and facilitating role and

oversees utilization of the grant funds, but does not provide services directly to clients under the grant. This project is part of the City's effort to end homelessness, consistent with the EveryOne Home Plan adopted by Council on December 12, 2006.

**FISCAL IMPACT:** HUD has renewed the HOPE Project's SHP Grant for FY 2011/12 for a total of \$269,790. The appropriation of funding for the HOPE Project will be included in the FY 2011/12 City budget, to be presented to the Council in June 2011. The SHP funds would continue to be used to provide supportive services to homeless clients from July 1, 2011 through June 30, 2012.

The SHP Grant is distributed among the HOPE Project partner agencies. As the lead agency and fiscal sponsor, the City is entitled to receive \$6,423 for administration of the program. The remaining project allocation is distributed between the Tri-City Health Center and Abode Services. Because the City does not provide any supportive services directly, it is not responsible for providing a cash match.

Appropriation of this funding will be included in the proposed FY 2011/12 operating budget for the Council's consideration.

**ENVIRONMENTAL REVIEW:** N/A

**ENCLOSURE:** [Draft Resolution](#)

**RECOMMENDATION:** Adopt a resolution accepting FY 2011/12 Federal SHP funding in the amount of \$269,790 and authorizing the City Manager or designee to execute an agreement with the Department of Housing and Urban Development in the amount of \$269,790.

## **\*2.9 FRONT-IN ANGLE PARKING– CAPITOL AVENUE**

### **Consider the Adoption of an Ordinance to Establish Angle Parking along a Capitol Avenue**

#### **Contact Person:**

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**Executive Summary:** The City Council is being asked to consider the adoption of an ordinance to amend Section 3-2904 of the Fremont Municipal Code to establish front-in angle parking along a portion of Capitol Avenue between Liberty Street and Paseo Padre Parkway. The recommended front-in angle parking proposed for Capitol Avenue would replace the current back-in angle parking that was established under an April 2010 pilot program. Staff recommends a cessation of the back-in angle parking pilot program and adoption of an ordinance to allow conventional angle parking for the reasons stated in this report.

**BACKGROUND:** In April 2010, staff recommended and the City Council approved a back-in angle parking pilot program for a portion of Capitol Avenue. The instituted pilot program allowed a one year period to test and determine if back-in angle parking was appropriate for portions of Capitol Avenue. While an April 2010 staff report (Informational 1) highlighted some benefits in implementing a back-in angle parking program, staff has concluded that back-in angle parking is not appropriate for this portion of Capitol Avenue in the District based on subsequent research and anecdotal evidence obtained since the implementation of the pilot program. The uncodified ordinance (No. 8-2010) that authorized the pilot program expires by its own terms on May 27, 2011 unless extended by further action of the Council.

**DISCUSSION/ANALYSIS:** *The Survey:* In December of 2010, staff developed a survey for back-in angle parking and made it available on the City's website (Informational 2). The community was informed about the survey through the City's newsletter, an interested parties list, and at various community meetings. Community members were asked to complete the Survey. Over 90% of the Survey respondents indicated that they had seen the back-in angle parking pilot program on Capitol Avenue. Over 70% of the respondents who used the back-in angle parking spaces found it difficult to navigate into the stall spaces (Question 4). Correspondingly, the same percentage of respondents answered that they would be less likely to shop at a retailer if being inconvenienced by back-in angle parking (Question 5). The responses to these key questions were indicative that should back-in angle parking be implemented, the public may be discouraged from shopping within the District. Lastly, respondents were asked to rank their preference of parking space type. As a result, 70% indicating front-in angle parking, 30% indicating parallel, and 7% indicating that back-in angle parking was their preference (Question 9).

*Staff Observations:* The results of the Survey were confirmed by staff's own physical observations of numerous individuals trying to make the back-in parking maneuver. For most it appeared not-so-easy and many were unsuccessful. The City's Economic Development staff is also concerned with the idea



of back-in parking and the potential unintended consequence it could have on attracting future retailers to the District. Staff has received several calls and emails from the community voicing their displeasure and, in most cases, their unwillingness to make the back-in parking maneuver on a regular basis due to fear of a collision with another vehicle or not being able to make the maneuver all together.

Based on the above findings, staff recommends back-in angle parking along Capitol Avenue be discontinued as it likely would not further the City's vision and goals for a viable and active District. In its place, staff recommends the adoption of an ordinance to allow nose-in parking. Staff believes that the generally accepted and traditional conventional angle parking—like that in any parking lot of a typical shopping center—is more appropriate for the District.

**Community Outreach:** One of the critical aspects of the back-in parking pilot program was to receive community input and feedback on the program in order to determine if the community would accept back-in parking as a form of on-street parking in the future. The on-site signs, on-line survey, City website articles, and various community meetings allowed the community to express their comments/concerns. As noted above, the majority of the comments from citizens indicated their displeasure and concern over the back-in parking pilot program and would prefer to see front-in angle parking.

**FISCAL IMPACT:** The restriping of the existing Capitol Avenue parking and the installation of signs will be added to the Slurry Seal Overlay project for 2011.

**ENVIRONMENTAL REVIEW:** This project is exempt under the California Environmental Quality Act (CEQA) Guideline Section 15301 which exempts existing facilities. The project causes no change to the environment as the streets already exist. The proposed re-striping will occur within the existing asphalt width and would not alter the primary function of Capitol Avenue.

**ENCLOSURES:**

- [Exhibit "A" - Draft Ordinance](#)
- [Informational 1 - April 2010 Back-in Angle Parking Staff Report](#)
- [Informational 2 - City Back-in Angle Parking Survey](#)

**RECOMMENDATION:**

1. Find that the adoption of the ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15301 which exempts existing facilities.
2. Allow the ordinance establishing the Back-in Angle Parking Pilot Program on Capitol Avenue to expire on May 27, 2011.
3. Waive full reading and introduce an ordinance to allow angle parking along Capitol Avenue.

**\*2.10 ADOPTION OF A RESOLUTION APPROVING REVISIONS TO THE CITY  
POLICE DEPARTMENT RETENTION SCHEDULE**

**Adoption of a Resolution Approving Revisions to the Police Department  
Retention Schedule**

**Contact Person:**

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**Executive Summary:** In accordance with the provisions of the Records Management Program Policy adopted by the City Council on April 27, 2004 (Resolution No. 2004-24), staff has been working to revise records retention schedules for all City departments. Council is being asked to approve changes that are required for the original Police Department retention schedule.

**BACKGROUND:** Public agencies manage several types of records. Some serve historical purposes; some, such as contracts, are vital to the agency's business interests; and, others are routine documents used to conduct day-to-day business. Section 34090 et seq. of the Government Code defines some of the requirements for the management of records by the city governments in California. There are specific laws governing the retention and destruction of certain records based on the type of record. For certain other records, the agency may set its own schedules to meet its own business purposes or local public interests. The statutes provide that the City may avail itself of several alternative systems for managing its records programs. One alternative allows the City Council to delegate decisions regarding the retention and destruction of records to staff once a compliant Records Management Program Policy and a Records Retention Schedule for the various record types are in place. On April 27, 2004, the City Council adopted Resolution No. 2004-24, approving the Records Management Program Policy for the City of Fremont (hereafter referred to as the Policy), and authorizing the City Manager and City Clerk to oversee the management of the Records Management Program.

The Policy defines how records are to be maintained in compliance with the statutes and any specific directives of the Council relative to record keeping. An element of the Policy is a Records Retention Schedule (hereafter referred to as a Schedule). A Schedule is a comprehensive inventory of records under management by a city department. A Schedule describes each record type and a retention period for each type. Specific state or federal statutes that require certain minimum or maximum retention periods often define retention periods. Variations in the retention periods, as allowed by statute, are often recommended by staff to meet various public or business interests.

The Policy provides that departments are required to report to the City Clerk and the City Attorney on a periodic basis which records have reached the end of their retention periods, and request the destruction of those records. Once the City Clerk's Office and the City Attorney's Office validates that records proposed for destruction fit the appropriate definitions in the Retention Schedule and are due for destruction, they will approve the action and the documents will be destroyed. The Records Retention Schedule has been reorganized for the Police Department and revised retention dates for like records to

have the same retention periods. Over the next year and as the need arises, staff will return to Council with additional changes that are required to revise and amend original departmental Retention Schedules.

**Conclusion:** Staff is recommending that Council approve the reorganized and revised Police Department Retention Schedule.

**ENVIRONMENTAL REVIEW:** None.

**FISCAL IMPACT:** None.

**ENCLOSURES:**

- [Draft Resolution](#)
- [Revised Police Department Retention Schedule](#)

**RECOMMENDATION:** Adopt a Resolution approving revisions to the Police Department retention schedule, and granting approval for the destruction of records in accordance with the Retention Schedule, subject to the review and consent of the City Attorney.

**5.1 FY 2011/12 CDBG FUNDING RECOMMENDATION AND FY 2011/12 ACTION PLAN  
Public Hearing (Published Notice) on the Use of Federal Community Development Block  
Grant Funds for FY 2011/12, Adoption of a Resolution Approving the FY 2011/12 Action  
Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department  
of Housing and Urban Development and CDBG Grantees**

**Contact Person:**

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**Executive Summary:** The City received nine (9) proposals for Community Development Block Grant funded capital projects requesting a total of \$1,852,135. Unfortunately, due to the federal budget impasse, the Department of Housing and Urban Development (HUD) has not provided the City with its official FY 2011/12 CDBG entitlement. In the absence of the official entitlement, and based on recent Congressional action on April 14, staff has estimated a 15% reduction in funding from last year's allocation, making available \$825,227 for the next fiscal year. Based on this funding amount, six proposals are being recommended for funding.

Staff is also recommending that the City Council adopt a resolution approving the FY 2011/12 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds and the FY 2011/12 Action Plan, and authorize the City Manager or designee to enter into agreements with HUD and non-profit grantees.

**BACKGROUND:** The CDBG Program is funded through entitlement funds from the federal Department of Housing and Urban Development (HUD). The primary objective of the CDBG program is to develop viable urban communities, principally for low and moderate-income households, through the provision of decent housing, a suitable living environment, and economic opportunity. CDBG funds must be used for activities which:

1. Primarily benefit low and moderate-income families. Most households receiving benefits from this program cannot earn more than 80% of the median income. For example, an eligible family of three cannot earn more than \$58,000. Most funds, however, based on current CDBG usage, serve families with even lower incomes, which are under 50% of the median income (\$45,150 for a family of three);
2. Aid in the elimination of slums or blight; or
3. Other activities designed to meet urgent community needs when conditions may pose an immediate threat to the health or welfare of the community. Federal rules allow each community to tailor its program to address specific local needs.

The Council's funding decisions are submitted as part of the City's annual application for CDBG funds, which includes a Final Statement of Community Development Objectives and Projected Use of Funds as well as an Action Plan. This year, the CDBG application deadline is May 13, 2011.

**FY 2011/12 CDBG Budget:** In the absence of notification from HUD of the City's official allocation, staff is assuming a 15% reduction in available funding based on the federal budget passed on April 14, 2011. Staff is estimating the City's FY 2011/12 CDBG program budget at \$2,065,396. A breakdown of CDBG Funding Sources has been provided as Enclosure: Table 1.

The City allocates CDBG funds in two-year funding cycles. The current-two-year allocation cycle is FY 2010/11 through FY 2011/12. Based on the City Council's action on April 27, 2010, \$1,240,169 has been allocated in accordance with the CDBG program's public service and administrative requirements. Enclosure: Table 2 shows the FY 2011/12 funding previously allocated by the Council. Approximately \$825,227 remains to be allocated by the City Council for FY 2011/12. Both the \$1,240,169 allocation and the funds available of \$825,227 will be appropriated by Council as part of the City's FY 2011/12 Adopted Budget.

**FY 2011/2012 CDBG Funding Process:** The availability of funds was advertised through the newspaper, the City's web page, the City's cable channel and an extensive mailing to social services agencies. The RFP process was completed as follows:

1. RFP materials were made available to the public beginning December 1, 2010.
2. On December 9, 2010, staff conducted a publicly noticed grant proposal workshop for prospective CDBG applicants. The workshop gave new agencies the opportunity to understand the proposal process, including proposal criteria and the Citizen Advisory Committee's (CAC) role in the process. Seven (7) prospective applicants attended the workshop.
3. Proposals for CDBG funding were submitted by the deadline of January 20, 2011.
4. During February and March 2011, the CAC and staff independently reviewed proposals and developed supplemental questions for applicants to answer. In reviewing the projects, the CAC and staff evaluated each proposal based on the following criteria:
  - benefit to low and moderate income households;
  - ability of the project to address the most critical local needs of lower income residents;
  - feasibility of the project to succeed;
  - cost effectiveness;
  - impact of funding on the outcome of the proposed activity;
  - management and performance capacity of the project sponsor; and
  - completeness of the proposal

Each Committee member scored the agencies based on the published proposal criteria.

5. On March 2, 2011, the CAC and staff conducted a public hearing to interview agencies regarding their proposals.
6. On March 16, 2011, the CAC and staff held a public hearing to develop recommendations for the City Council. Staff agreed to reconvene the CAC if cuts in CDBG were anticipated to be 15% or more. On April 21, 2011, a second public hearing was held to again look at funding priorities, with reduced resources.

**Capital Project Funding Recommendations:** Prioritization and funding recommendation of the CAC is shown in the chart below:

<b>Proposal Score</b>	<b>Agency</b>	<b>Amount Requested</b>	<b>Amount Recommended Reflects 15% Entitlement cut</b>	<b>Staff Recommendation</b>
65.8	<b>Senior Day Care Facility Bay Area Community Services (BACS):</b> BACS is requesting to use the funding to acquire a building for the Adult Day Care Program. * Contingent on the agency's ability to acquire 25% or \$236,000 of the total project cost of \$947,000 from other sources by December 2011.	\$400,000	\$370,000	Hold funds for Senior Day Care Facilities but revisit potential changes in project need, size and scope in 90 days.
63.8	<b>Feasibility Study for Affordable Housing for Transitional Youth/Teen Health Center City of Fremont</b> The City is requesting funding for a feasibility study for a mixed use project with both affordable housing and a teen/health center at the City site located at Dusterberry and Peralta in the Centerville Redevelopment project area.	\$150,000	\$138,750	
63.4	<b>Facility Improvements Treatment Center Carnales Unidos Reformando Adictos (CURA)</b> is requesting funding to upgrade the plumbing and HVAC systems at the agency's residential facility which provides treatment for men and women with chemical dependency.	\$90,000	\$83,116	
60.8	<b>Predevelopment Affordable Housing and Health Services Allied Housing and Tri-City Health Center</b> Allied Housing and Tri-City Health Center are requesting funds to cover the predevelopment costs	\$75,000	\$69,375	Hold as pre-development for affordable housing, until City has determined allocation of RDA Affordable Housing Funds

	for a mixed use project with both affordable housing and a full service community health center.			
60.2	<b>Shelter Renovations and ADA Compliance</b> Safe Alternatives to Violent Environments (SAVE): is requesting funding to renovate its emergency shelter to increase accessibility, habitability, and safety. Renovations include upgrading the kitchen, installing wheelchair ramp, accessible flooring, doors and hardware.	\$161,282	\$149,186	
58.6	<b>Facility Improvements Child Care Centers</b> <b>Kidango</b> Kidango is requesting funding to renovate the kitchen, children's bathroom and staff's bathroom at the Marie Kaiser Center; install new windows and doors, update the lighting to make the space more energy efficient and paint the interior of Carlson Center; and enhance the outdoor learning environment of the Rix Center.	\$60,750	\$14,800	
48.2	<b>Feasibility Study for Expanded Health Center</b> <b>Tri-City Health Center</b> TCHC is requesting pre-development funding to support a feasibility analysis for a new Central Hub clinic facility. TCHC envisions that the Central Hub will be a comprehensive facility to expand and provide new services including laboratory, onsite pharmacy, urgent care clinic, treatment rooms, health education, and will also house the administrative offices.	\$75,000	\$0	
46.4	<b>Affordable Housing Rehabilitation</b> <b>Mid-Peninsula Housing</b> MidPen Housing's Century Village, a 100-unit affordable housing complex requests funds for rehabilitation of	\$350,000	\$0	

	sewer lines and concrete property fence, interior corridors and property lighting.			
0	<b>Predevelopment Funds for Mixed Use Housing Destination Architecture</b> Destination Architecture is requesting predevelopment funds for new mixed used development within the Midtown District, consisting of neighborhood retail and low and moderate income housing. This proposal was later disqualified by the CAC due to incompleteness and ambiguity.	\$488,585	\$0	
	Total Capital Projects Recommendation:	N/A	\$825,227	

**Staff Analysis and Recommendations:** Staff concurs with the prioritization and funding level recommendations of the Citizens Advisory Committee. However, it is strongly recommended that two projects be placed temporarily on hold and revisited after the start of the new fiscal year.

- Staff recommends reviewing the request of BACS to buy a larger facility for senior day care services in 90 days. Funding for senior services at the State level is currently in flux with some services previously reimbursed by MediCal eliminated. For some programs, new “waiver funding” may be provided, but how this will work is not yet clear. Staff believes it would be best to review BACS request for an expanded facility after senior service funding has been sorted out. In addition, to an expansion of the OnLok Program for senior in Fremont, staff has recently learned that plans are underway to locate a new Alzheimer Adult Day Health Care program in Fremont to be operated by Alzheimer Services of the East Bay (ASEB). An Adult Day Health Care program provides more in-depth medical services, such as physical therapy, occupational therapy, dietician and pharmacy services for persons with dementia. Both BACS and ASEB serve somewhat similar populations. It is estimated about one-half of BAC’s clients are in the early stages of dementia. Both BACS and ASEB provide excellent services. Staff feels it is important that a conversation takes place among these three key senior service providers to see how agencies might partner and work together. Staff therefore recommends holding the \$370,000 for a Senior Day Care Facility but would re-consider this funding for BACS within 90-days.
- Staff is aware that RDA is requesting Council approval to release a Notice of Funding Availability (NOFA) for \$7.9 million in housing funds. Given that this new process may be shortly underway, it seems premature to allocate predevelopment funds to a non-profit housing developer, such as Allied Housing, until the City determines who will receive its housing funds. It is recommended that \$75,000 be set aside as “pre-development funding for affordable housing”, and made available, as needed, to the non-profit organization(s) who receive that funding. RDA staff expects developer selection to take place sometime in September 2011.



A staff analysis, with project summary and funding recommendation for each proposed project, is enclosed (Exhibit 1).

**The FY 2011/12 Action Plan, Proposed Final Statement of Community Development Objectives and Projected Use of Funds:** Under the 1990 National Affordable Housing Act, localities that are eligible to receive federal funding for housing and community development programs (CDBG, HOME, etc.) administered by the United States Department of Housing and Urban Development (HUD) are required to prepare an annual Action Plan to report on the programs and activities that address community development and affordable housing needs. The Action Plan must include information on federal, state and local funding sources for community development and affordable housing activities, a description of activities to be undertaken using federal funding sources, a description of other actions the City will be taking to reduce barriers to affordable housing, lead-based paint hazards, and poverty, as well as a description of efforts to improve institutional structure, public/private coordination, and public housing resident initiatives. The City's Draft FY 2011/12 Action Plan is enclosed (Exhibit 2). The City is also required to submit a Proposed Final Statement of Community Development Objectives and Projected Use of Funds (Exhibit 3).

**FISCAL IMPACT:** The City's FY 2011/12 CDBG entitlement is unknown as of this writing. There is no match requirement for this funding. The appropriation of the funds will be included in the proposed FY 2011/12 City budget and contingent upon adoption by the City Council in June 2011.

**ENVIRONMENTAL REVIEW:** All CDBG-funded projects listed in this staff report are subject to environmental review procedures pursuant to the National Environmental Policy Act (NEPA), as amended, and implementing regulations set forth in 24 CFR Part 58.

**ENCLOSURES:**

- [Draft Resolution](#)
- [Table 1: FY 2011/12 CDBG Funding Sources](#)
- [Table 2: FY 2011/12 Funding Previously Allocated by City Council](#)
- [Exhibit 1: Citizens Advisory Committee and Staff Project Analysis Recommendations](#)
- [Exhibit 2: Proposed FY 2011/12 CDBG Action Plan](#)
- [Exhibit 3: Proposed Final Statement of Community Development Objectives and Projected Use of Funds](#)

**RECOMMENDATION:**

1. Hold a public hearing on the proposed FY 2011/12 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds and the FY 2011/12 CDBG Action Plan.
2. Adopt a resolution:
  - Approving, and authorizing the City Manager or designee to submit, the FY 2011/12 CDBG Final Statement of Community Development Objectives and Projected Use of Funds and the FY 2011/12 CDBG Action Plan.
  - Allocating FY 2011/12 CDBG funds in the amount stated herein, contingent upon adoption of the FY 2011/12 Budget by the City Council.
  - Authorizing the City Manager or designee to execute a CDBG funding agreement with HUD as described in this staff report.

- Authorizing the City Manager or designee to execute agreements, effective July 1, 2011, with the agencies recommended for funding in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments, and contingent upon the adoption of the FY 2011/12 Budget by the City Council.

## **6.1 Report Out from Closed Session of Any Final Action**

## **8.1 Council Referrals**

### **8.1.1 MAYOR WASSERMAN REFERRAL:** Appointment of Pat Helton to the Senior Citizens Commission

**Appointment:**

*Advisory Body*

Senior Citizens Commission

*Appointee*

Pat Helton

*Term Expires*

December 31, 2014

**ENCLOSURES:** [Commission Application](#)

## **8.2 Oral Reports on Meetings and Events**

### **8.2.1 Report Out on City Delegation Visit to UP Headquarters**

## ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD .....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA .....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD .....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC.....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF.....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting Type</i></b>	<b><i>Location</i></b>	<b><i>Cable Channel 27</i></b>
May 10, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 17, 2011	TBD	Work Session	Council Chambers	Live
May 24, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 31, 2011 (5 <sup>th</sup> Tuesday)		No Council Meeting		
June 7, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 14, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 21, 2011	TBD	Work Session	Council Chambers	Live
June 28, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 5, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 12, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 19, 2011	TBD	Work Session	Council Chambers	Live
July 26, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
		August Recess		
September 6, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 13, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 20, 2011	TBD	Work Session	Council Chambers	Live
September 27, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live